EXTRADITION OF CRIMINALS—*contd.*

1. ENGLISH LAW—*contd.*

(*b*) PROCEDURE.

Requisition to Secretary of State for surrender; order to Police Magistrate to issue warrant for apprehension	33-4V.c.52,s.7. 36-7V.c.60,s.7.
Refusal of order, and discharge of criminal, if offence political	33-4V.c.52,s.7.
Issue and execution of warrant; Magistrate; place of hearing and custody	„ ss.8,13,20, Sch.II. 58-9V.c.33.
Examination of criminal; committal or discharge; right to apply for *habeas corpus*, if committed	33-4V.c.52,ss.9to11.
What depositions, etc., receivable in evidence; authentication of foreign warrants, etc.	„ ss.14,15. 36-7V.c.60,s.4.
Surrender of criminal, and conveyance to foreign State	33-4V.c.52,ss.11,12.

(*c*) MISCELLANEOUS.

"Foreign State" to include dependencies and vessels thereof	„ s.25.
Provisions where surrender sought in respect of crime committed at sea	„ s.16. 36-7V.c.60,s.6.
Provisions as to surrender of fugitive criminals of foreign States in British Possessions (*see also below*, **2**)	33-4V.c.52,ss.17,18. 36-7V.c.60,s.7.
Saving of power as to extradition treaties with native Indian States or Asiatic States bordering on India	33-4V.c.52,s.23.
Apprehension of deserters from foreign ships. *See* MERCHANT SHIPPING, **2** (*g*).	
Arrest, etc., of fugitive offenders. *See* FUGITIVE OFFENDER.	
Power to Foreign State to obtain evidence in British dominions as to criminal matters, if not political. *See* EVIDENCE, I, **1**.	
Trial and execution of sentence in British dominions in case of offences in places out of British dominions where Crown has jurisdiction. *See* FOREIGN JURISDICTION.	

2. INDIAN LAW.

(*a*) IN CASE OF FOREIGN STATES.

"Foreign State" defined	Act15,1903,s.2(*c*).
"Extradition offence" described	„ s.2(*6*),Sch.1.
Liability of fugitive criminal of foreign State to apprehension and surrender	„ ss.3,4.
Procedure: requisition for surrender; order on Magistrate for inquiry; issue of process and inquiry by Magistrate; committal or release on bail; Magistrate's report; reference to High Court of any important question of law	„ s.3(*1*)to(*7*).
Power of Magistrate to issue warrant for arrest of fugitive criminal in certain cases and procedure thereon	„ s.4.
Power of Government to issue warrant for surrender	„ s.3(*8*),(*9*).
Power of Government to refuse order for inquiry if offence is of a political character, to stay proceedings, cancel warrant and order discharge	„ s.5.
Power of High Court to order discharge of fugitive criminal in certain cases	„ s.3(*10*).
Provision for the exercise of powers conferred by 44, 45-V. c. 69	„ s.19.

EXTRADITION OF CRIMINALS—*concld.*

2. INDIAN LAW—*contd.*

(*b*) IN CASE OF OTHER STATES.

"Extradition offence" described	Act 15, 1903,	s.2(*6*), Sch. 1.
Liability of fugitive criminal, not being a European British subject, who has committed or is supposed to have committed an extradition offence, to apprehension and surrender	,,	ss.7(*2*), 9, 14.
Conditional surrender where fugitive is accused of or undergoing sentence for offence in British India; suspension and revival of sentence	,,	s.11.
Procedure; issue of warrant by Political Agent and proceedings thereon	,,	s.7, 8.
,, requisition by State and proceedings thereon	,,	s.9.
,, power of Magistrate to issue warrant for arrest of fugitive criminal in certain cases and proceedings thereon	,,	s.10.
,, exhibits, depositions and copies thereof and other documents if duly authenticated to be received in evidence	,,	s.17.
Provisions to apply to abetments and attempts and to persons convicted in the State of offence, abetment or attempt	,,	ss.12, 13.
Treaties for extradition; saving of provisions of	,,	s.18.

(*c*) GENERAL.

Surrender in case of offence committed at sea	,,	s.20.
Rules; power to make	,,	s.22.
Execution of commissions for taking evidence issued by Criminal Courts outside British India	,,	s.21.
Trial of British subjects in British India for offences committed out of British India. *See* CRIMINAL PROCEDURE (INDIAN), 8 (*1*).		

FACTORY.

Definition of "factory," "child," "mill-gearing" and "employed"	[1] Act 15, 1881,	s.2.
Power to extend definition of "factory"	,,	s.20.
Crown factories subject to Act	,,	s.19
Power to exempt factory from Act in case of public emergency	,,	s.19.
Inspectors of; appointment, status, suspension and dismissal of	,,	s.3.
,, general powers of	,,	s.4.
Certifying surgeons; appointment of, and grant of certificates of age by	,,	s.5.
Operatives:		
Daily stoppage of work for half an hour	,,	s.5A.
Sundays and holidays	,,	s.5B.
Women: limitation of hours of work for; notice of intervals of rest to be set up	,,	ss.6, 10.
,, prohibition of employment of, in two factories on same day	,,	s.11.
Children under 9 not to be employed	,,	s.7(*1*).
,, limitation of hours of work for; notice of intervals of rest to be set up	,,	ss.7(*2*) to(*4*), 10.

[1] Act 15, 1881, will be repealed on 1st July 1912, on the coming into force of Act 12, 1911.

FACTORY—*contd.*
Operatives—*contd.*
Children; prohibition of employment of—
in certain dangerous work . . . . . [1]Act 15, 1881, s.8.
in two factories on same day . . . . . ,, s.11.
,, register of . . . . . ,, s.9.
Fencing of fly-wheels, etc. . . . . ,, s.12.
Notice of accidents in . . . . . ,, s.13.
,, when beginning to occupy . . . . . ,, s.14.
Power of Local Government to make rules as to . . . ,, s.18.
Burden of proof as to age . . . . . ,, s.16.
Penalties . . . . . ,, s.15.
Occupier of, primarily liable for breaches of Act, orders or rules . ,, s.17.
Transmission and use of electrical energy in, by non-licensees . Act 9, 1910, s.30.
Stamping of length on piece-goods manufactured in . . . Act 4, 1889, s.12.

FAIR.
Not to be established without written permission of District Magistrate; penalty . . . . . Bom. Act 4, 1862, s.1.
Application for such permission; procedure to be followed by Magistrate before granting it . . . . . ,, ss.2,3.
Order by Magistrate granting or refusing such permission; appeal from order; penalty for breach of order . . . . . ,, ss.4,6,7.
Act not to extend to islands of Bombay and Kolaba . . . ,, s.8.
,, ,, apply to religious assemblies . . . . . ,, s.9.
,, ,, restrict Government's powers of control . . . ,, s.10.
To be under authority of Local Self-Government Boards:
See LOCAL SELF-GOVERNMENT, II, 3; III, 3; VIII, 3; IX, 3.
Holding of, in municipality:
See unde MUNICIPALITY (*sub-heading* "The Public Health, Safety and Convenience").
Power to make rules as to. *See* AJMERE, 4; CENTRAL PROVINCES, 3; OUDH, 6.
See also INFECTIOUS DISEASE.

FAIRWAYS.
Obstructions to navigation in fairways leading to ports in British India:
Power of Local Government to remove or destroy sunken vessel or other obstruction; Government entitled to recover expenses; notice of removal; sale of thing removed, for recovery of expenses . . . . . Act 16, 1881, ss.2000.
Power of Governor General in Council to make rules to regulate or prohibit placing of fishing stakes, throwing of ballast, etc.; penalty for breach of rules; place of trial . ,, ss.8,9.
Compensation when payable for damage caused under Act . ,, s.10.
The word "vessel" to include tackle, cargo, etc. . . ,, s.7.
Act not to apply to vessels belonging to or hired by Government . . . . . ,, s.1.
Validation of past official action . . . . . ,, s.11.
Saving of other powers possessed by Government . . ,, s.12.

FAMINE LOANS RECOVERY ACT (U. P.), 1897. (*See* LOAN, B, 4) . . . . . U.P. Act 1, 1897.

[1] Act 15, 1881, will be repealed on 1st July 1912, on the coming into force of Act 12, 1911.